

No.

54261

PLEADINGS

copy

NETTIE TAYLOR, Plaintiff,	:	
	:	IN THE
vs.	:	
	:	CIRCUIT COURT
MAYOR AND CITY COUNCIL OF	:	
BALTIMORE CITY, a Municipal	:	FOR BALTIMORE COUNTY
Corporation	:	

* * *

Nettie Taylor, plaintiff, by William H. Lawrence and Edward L. Ward, her attorneys, sues the Mayor and City Council of Baltimore City, a Municipal Corporation, defendant.

For that the plaintiff owns certain valuable tracts or parcels of land together with the improvements thereon and located near Eastern Avenue in the vicinity of Back River in Baltimore County in the State of Maryland; that the defendant, the Mayor and City Council of Baltimore City is a municipal corporation, incorporated and existing under the laws of the State of Maryland, and in pursuance of the powers and authority conferred upon it under the laws of the State of Maryland, has erected and constructed in the vicinity of Back River, near the intersection of Eastern Avenue with said River in Baltimore County, a plant for the collection and disposal of fecal matter and sewage from Baltimore City, and said plant being known and designated as a Sewage Disposal Plant for Baltimore, into which said disposal plant the defendant at various intervals daily, and wrongfully and in utter disregard of the rights of the plaintiff, discharges and has for a long time discharged all the accumulations from the kitchens, bathrooms, water closets, mercantile establishments, stables, streets and other places in said City of Baltimore, and which matter is spread out in a diluted condition through a system of drains and pipes at said disposal plant and covers a large area of lowland near unto the plaintiff's said property, and that there arises from said sewage, drains, pipes and disposal plant, a horrible, sickening

and disease breeding stench, which at all hours of the day and night permeate the atmosphere surrounding the plaintiff's said property and is carried into and through the dwellings, rooms and other buildings thereupon located and owned by the plaintiff, thus rendering said dwellings, rooms and buildings unfit for occupancy, and rendering said buildings wholly and entirely unfit for the conduct of the business of the plaintiff, which is that of serving meals to diners, and that in consequence of such wrongful act and conduct of the defendant, the said property of the plaintiff has been greatly depreciated in value and practically destroyed for all useful purposes, and her business which she has thereupon conducted for a large number of years has been wholly destroyed by the acts and conduct of the defendant aforesaid.

WHEREFORE the plaintiff brings this suit and claims Twenty-five Thousand Dollars (\$25,000) damages.

Harold L. Baird

Attorneys for Plaintiff

TO THE DEFENDANT: TAKE NOTICE:

That on the day of your appearance to this action a rule will be laid against you requiring you to plead to the above declaration within thirty days thereafter.

Harold L. Baird

Attorneys for Plaintiff

NETTIE TAYLOR, Plaintiff,

vs.

MAYOR AND CITY COUNCIL OF
BALTIMORE CITY, a Municipal
Corporation

:

:

:

:

:

IN THE

CIRCUIT COURT

FOR BALTIMORE COUNTY

* * *

The plaintiff elects to have the above entitled
cause tried before a jury and prays leave of Court so to do.

Samuel L. Spaid
Attorneys for Plaintiff

TO THE DEFENDANT:

Take Notice -- That the Plaintiff in this action elects
to have the same tried before a jury.

Samuel L. Spaid
Attorneys for Plaintiff

Copy for
Arrive on Monday.

COPY

No. 8079

Nettie Taylor

VS.

Mayor and City Council of
Baltimore City, a Municipal
Corporation

SUMMONS FOR DEFENDANT

Sheriff.

Filed _____ day _____ 192_____

Wm. H. Lawrence and
Edward L. Ward

Plaintiff's Attorney.

Baltimore County, to wit:

STATE OF MARYLAND

To the Sheriff of Baltimore ~~County~~ City Greeting:

You are hereby commanded to summon -----

Mayor and City Council of Baltimore City,-----

a Municipal Corporation-----

of Baltimore ~~County~~ City to appear before the Circuit Court for Baltimore County,

to be held at the Court House, at Towsontown, in and for the same county,

on the 3rd MONDAY of September 192 9

to answer an Action-----at the suit of

Nettie Taylor-----

and have you then and there this writ.

WITNESS, the Honorable T. SCOTT OFFUTT, Chief Judge of the Third Judicial Circuit of
Maryland, the 20th day of May-----in the year of

our Lord one thousand nine hundred and twenty nine-----

Issued the 31st day of September 192 9

Louis M. L. Merryman-----

Clerk of the Circuit Court for Baltimore County.

October 25, 1929.

*****MEMORANDUM*****

File No. 54261 - Nettie Taylor vs. City.

.....

Today, I saw Mr. ^{Andrew} Albert Lawrence in the corridor of the Court House, and he said that the Bill of Particulars in this case had not been filed as yet, but that it would be prepared and a copy thereof sent to us at the time of filing in Court at Towson.

.....

37866

2
from then on further on thereby
during all the time of record

continuous in the same manner as to the
same extent during the whole period from
the construction of the river to the construction of
the dam

Sewerage case

Hart's N.Y. Law & Appeals revised
101 N.Y. 98 (1892?)

~~Sewer~~

1916 E - FRA 1035

50 FRA (N.S.) 388

10 Ann Cases 179

177 Mo. App. 201

260 Ill. 436

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CITY SOLICITOR'S OFFICE

September 11, 1929.

Mr. Louis M. L. Merryman,
Clerk, Circuit Court for Baltimore County,
Towson, Maryland.

File No. 8079 - Nettie
Taylor vs. Mayor & City Council

Dear Sir:

Enclosed is Demand for Bill of Particulars in
the above entitled case, which we would appreciate your filing
on behalf of the Defendant.

Yours truly,

ERNEST F. FADUM.

Assistant City Solicitor.

EFF:DS.

Encl.

CITY SOLICITOR'S OFFICE

NETTIE TAYLOR,

PLAINTIFF.

-VS-

MAYOR AND CITY COUNCIL OF
BALTIMORE CITY, a Municipal
Corporation,

DEFENDANT.

:

:

:

:

:

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

The Defendant, the Mayor and City Council of

Baltimore, a municipal corporation, by A. Walter Kraus, City Solicitor,

its attorney, demands the particulars of the Plaintiff's claim.

City Solicitor, Attorney for the Mayor
and City Council of Baltimore, Defendant.

WILLIAM H. LAWRENCE
ATTORNEY AT LAW
207 FIRST NATIONAL BANK BUILDING
BALTIMORE, MD.

October 28, 1929.

Attention: Mr. Davis,
City Solicitor's Office,
Court House,
Baltimore, Md.

Dear Mr. Davis,--

Mr. Ward wrote me that a demand for a bill of particulars was served on me, and I signed for the same. I did not sign for any, and I did not authorize anyone in my office to sign such paper. So will you kindly send a demand to me at once so we may be able to comply to same.

Yours truly,

A handwritten signature in dark ink, appearing to read "W. H. Lawrence", written in a cursive style with a horizontal line underneath.

CITY SOLICITOR'S OFFICE

October 30, 1929.

Mr. Wm. H. Lawrence,
207 First National Bank Bldg.,
Baltimore, Maryland.

Dear Mr. Lawrence:-

In accordance with your request
of the 28th, I am enclosing a copy of the Demand for
Bill of Particulars.

Will you kindly be sure to let
us have a copy of the Bill of Particulars at the time
you filed it?

Yours truly,

ERNEST F. PADUM.

Assistant City Solicitor.

EFF:DS.

Encl.

Copy

NETTIE TAYLOR,	:	
	:	IN THE CIRCUIT COURT
Plaintiff,	:	
	:	- FOR -
- VS -	:	
	:	BALTIMORE COUNTY.
	:	
MAYOR AND CITY COUNCIL OF BALTIMORE,	:	
	:	AT LAW.
Defendant.	:	

Bill of Particulars furnished by Plaintiff upon the Demand
of the Defendant.

Nettie Taylor, the Plaintiff, by William H. Lawrence and Edward L. Ward, her attorneys, in compliance with the demand of the Defendant for the particulars of her claim as set forth in the declaration filed in this cause, respectfully shows:-

1. That the property referred to in the declaration, owned by the Plaintiff, and which it is claimed has been damaged, in accordance with the averments of said declaration, consists of the following property, located in Baltimore County, State of Maryland:-

(a) All that property described in a Deed from James Barkley, et. al., to the Plaintiff, dated June 2nd, 1911, recorded in the Land Records of Baltimore County, in Liber W.P.C. No. 378, folio 488, and improved by a frame hotel building.

(b) All that property described in a Deed from George R. Willis, et. al., to the Plaintiff, dated May 27th, 1913, recorded in said records in Liber W.P.C. No. 413, folio 368, and improved by a frame store building.

(c) And all that property described in a Deed from the Crown Building and Loan Association, Inc., to the Plaintiff and recorded in said records in Liber W.P.C. No. 388, folio 165, and improved by a brick dwelling house.

2. That said deeds give the metes and bounds of said property, the quantity thereof, and the respective locations and roads upon which said properties bind, and that this constitutes all of the particulars of the plaintiff's claim which she is able to furnish to the defendant in compliance with said demand.

Wm. H. Lawrence

Edward L. Ward

Attorneys for Plaintiff.

copy

NETTIE TAYLOR,	:	
	:	
Plaintiff,	:	IN THE CIRCUIT COURT
	:	
- VS -	:	- FOR -
	:	
MAYOR AND CITY COUNCIL OF	:	BALTIMORE COUNTY.
	:	
BALTIMORE CITY,	:	
	:	AT LAW.
A Body Corporate,	:	
	:	
Defendant.	:	

Additional Bill of Particulars of the Plaintiff filed in compliance with the demand of the Defendant herein.

For an additional or supplemental bill of particulars of the Plaintiff upon the demand of the Defendant, the Plaintiff herein, says:-

That on the 9th day of April, 1914, she instituted an action in this Court to recover damages then existing to certain of her property, located in the vicinity of Back River and near unto Eastern Avenue in Baltimore County, but that said action did not cover the identical properties sued for in this cause, and that said damages sued for in said action of April 9th, 1914, were only the damages effecting the property therein mentioned and was only for the damages accruing up to the time of the institution of said suit.

And as in duty, etc.

Edward L. Brand

Attorneys for Plaintiff.

11/9/92

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT IN AND FOR THE COUNTY OF ALA.

PLAINT

vs.

vs.

JOHN J. BROWN, JR.

JOHN J. BROWN, JR.

AT LA.

ALABAMA

IN THE COUNTY OF ALA.

ALABAMA

[Handwritten signature]

JOHN J. BROWN, JR. is the owner of the property described in the

petition and the same is the property of the

JOHN J. BROWN, JR. is the owner of the property described in the petition and the same is the property of the

JOHN J. BROWN, JR. is the owner of the property described in the petition and the same is the property of the

JOHN J. BROWN, JR.

JOHN J. BROWN, JR.

JOHN J. BROWN, JR.

[Handwritten signature]

JOHN J. BROWN, JR.

CITY SOLICITOR'S OFFICE

December 17, 1929.

Mrs. Edward Ward,
1524 Fidelity Building,
Baltimore, Maryland.

Dear Mr. Ward:-

Enclosed is copy of plea which we
are today filing in the above captioned case.

Yours truly,

ERNEST F. FADUM.

Assistant City Solicitor.

EFF:DS.

Encl.

CITY SOLICITOR'S OFFICE

December 17, 1929.

Mr. William Lawrence,
7 East Redwood Street,
Baltimore, Maryland.

Nettie Taylor vs. Mayor and
City Council of Baltimore.

Dear Mr. Lawrence:-

Enclosed is copy of plea which we
are today filing in the above captioned case.

Yours truly,

ERNEST F. FADUM.

Assistant City Solicitor.

EFF:DS.

Encl.

CITY SOLICITOR'S OFFICE

NETTIE TAYLOR,	:	IN THE
Plaintiff.	:	CIRCUIT COURT
-vs-	:	FOR
MAYOR AND CITY COUNCIL OF BALTIMORE,	:	BALTIMORE COUNTY.
Defendant.	:	

.....

And now comes the Defendant, the Mayor and City Council of Baltimore, a municipal corporation, by A. Walter Kraus, City Solicitor, its attorney, and for pleas to the Plaintiff's Declaration says:-

COPY

1. For a first plea that the Defendant did not commit the wrongs alleged.

2. And for a second plea that the alleged cause of action did not accrue within three years before this suit.

City Solicitor-Attorney for
Defendant.

filed
12/17/29
by a
2

Copy

NETTIE TAYLOR,	:	
	:	
Plaintiff,	:	IN THE CIRCUIT COURT
	:	
- VS -	:	- OF -
	:	
MAYOR AND CITY COUNCIL OF	:	BALTIMORE COUNTY.
BALTIMORE, A Body	:	
Corporate, Defendant.	:	AT LAW.

Replication of Plaintiff to Pleas of Defendant.

The Plaintiff herein, by William H. Lawrence and Edward L. Ward, her attorneys, for replication to pleas of the Defendant, filed in this action, says:-

1. That she joins issue upon the first plea.
2. (a) That said alleged cause of action did accrue within three years prior to the institution of this suit.
- (b) That a large portion of the property owned by the Plaintiff and mentioned in the Declaration and Bill of Particulars was not covered by any prior suit instituted by the Plaintiff to recover damages against the Defendant in connection with said property.

Edward L. Ward

Attorneys for Plaintiff.

*Service
admitted
5/23/29*

Handwritten notes at the top of the page, including a small diagram or sketch.

Handwritten text line in the middle of the page.

Copy

Main body of handwritten text, consisting of several paragraphs.

Handwritten text at the bottom of the page.

CITY SOLICITOR'S OFFICE

NETTIE TAYLOR,
Plaintiff,

: IN THE CIRCUIT COURT

vs.

:

F O R

MAYOR AND CITY COUNCIL
OF BALTIMORE,
Defendant.

:

BALTIMORE COUNTY.

:

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Mayor and City Council of Baltimore, a municipal corporation, Defendant in this case, respectfully suggests that it cannot have a fair and impartial trial in this Honorable Court and accordingly prays that an order may be passed directing the record of said cause to be transmitted to some other court for trial.

A N D as in duty bound, etc.

City Solicitor-Attorney for the Mayor
and City Council of Baltimore, Defendant.

STATE OF MARYLAND,

TO-WIT:

CITY OF BALTIMORE,

I HEREBY CERTIFY that on this _____ day of May, 1930, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared WILLIAM F. BROENING, Mayor of Baltimore City, and on behalf of the said Defendant, the

Filed May-29-1930

CITY SOLICITOR'S OFFICE

Mayer and City Council of Baltimore, in the above entitled cause, made oath in due form of law that the matters and things contained in the foregoing petition are true to the best of his knowledge and belief.

AS WITNESS my hand and notarial seal.

Notary Public.

COPY

29 Upon the foregoing petition and Affidavit, it is this day of May, 1930, by the Circuit Court for Baltimore County,
O R D E R E D that the record of proceedings in the above entitled action at law be transmitted to the Circuit Court for Howard County for trial.

LAW OFFICE
GEORGE HARTMAN
ROOM 10, OFFUTT BUILDING

TOWSON, MD., March 9th, 1922.

A. Walter Kraus, Esq.,
City Solicitor's office,
Baltimore, Md.

Dear Walter:

Complying with your request on each of a couple of visits of mine to your office in reference to the property of Mrs. Nettie M. Taylor, otherwise known as Mrs. Mitchell, I was talking with her again yesterday in reference to the sale of this property to the City, in case they would like to purchase the same. I believe you are familiar with the property, that you understand it is leasehold and not fee simple; that there are ~~two~~^{three} large houses included in the property, I should say on a rough guess, from twelve to fifteen rooms each, in addition to the hotel property which she occupies, also the large pavilion, which she claims cost her to erect, prior to War time price, upwards of \$7,000. I asked her to fix a price on this property so that I could submit the same to you. She thinks she should have at least \$25,000 for all of her belongings. This of course includes the above mentioned houses and all her rights and interests. Between you and me as friends, I think she would be satisfied to take a smaller sum, but how much I am not in a position to say. If there is any chance of the City buying this property I would be obliged to you if you would advise me as promptly as possible, so that we can get the wheels started in motion.

I do not think she is going to make any attempt to serve meals this season for the reason that the horrible stench from the sewer has broken up almost entirely her whole clientele. She advises me that on numerous occasions last Summer parties would telephone her to have a meal prepared for ten or a dozen or more and that on several occasions after they had sit down to the table the wind shifted and they were obliged to get up and leave and go elsewhere, she of course losing the price of the meals as well as the humiliation she was out to.

Any information you can give me will be greatly appreciated.
Thanking you for past favors, and with kindest personal regards, I am,

Very truly yours,

(GH-L)

CITY SOLICITOR'S OFFICE

January 2nd, 1929

Mr. Milton J. Ruark,
Sewerage Engineer,
Municipal Office Building,
Baltimore, Maryland.

Dear Sir:

Mrs. Nettie Mitchell, formerly Nettie Taylor, has requested me to advise her whether the City would be interested in purchasing her property at Back River. This property consists of approximately two acres of land adjoining the sewerage disposal plant, and has a frontage of about 325 feet on Eastern Avenue, extending from the Sewer Road to the Back River Bridge. The price quoted is \$8,000.00.

Will you be good enough to advise me whether this is a desirable purchase from the standpoint of the Bureau of Sewers.

Very truly yours,

A.W.K.
R.R.S.

City Solicitor

MEMORANDUM

--oOo--

Mrs. Nettie Mitchell, nee Taylor, desires to sell to the City her place at Back River, having a frontage of approximately 325 feet on Eastern Avenue, extending from the Sewer Road to the Back River Bridge.

Place consists of about two acres with a number of buildings - price asked \$8,000.00

CITY SOLICITOR'S OFFICE

New File

January 10th, 1929

Mr. Milton J. Ruark,
Sewerage Engineer,
Municipal Office Building,
Baltimore, Maryland.

Dear Mr. Ruark:

I have your letter of January 4th, together with blueprint showing properties in the area south of Eastern Avenue between Island Point Road and Back River, the purchase of which was considered several years ago by the Bureau of Sewers.

I desire to thank you for the information contained in your letter and shall be glad to discuss the matter with you at any time you may deem the purchase of these properties desirable.

Very truly yours,

A.W.K.
R.R.S.

City Solicitor



DEPARTMENT OF PUBLIC WORKS
BUREAU OF SEWERS

MILTON J. RUARK
SEWERAGE ENGINEER

MUNICIPAL OFFICE BUILDING
ROOM 312

January 4th, 1929

Mr. A. Walter Kraus
City Solicitor

Dear Sir:

Replying to your letter dated January 2nd, 1929 relative to the proposal of Mrs. Nettie Mitchell (formerly Nettie Taylor) that the city purchase certain property belonging to her on the south side of Eastern Avenue just east of Island Point Road, I wish to say that this Bureau several years ago considered the purchase of all of the property in the area south of Eastern Avenue between Island Point Road and Back River, and I am enclosing herewith a blue print showing the several tracts in question, which information has been obtained from the record office at Towson.

It would appear that the total assessed value of the property is \$15,100.00, and no doubt to purchase or condemn it, would require a sum in excess of this figure. It would further appear that the property which Mrs. Mitchell has offered the city for the sum of \$8000.00 is subject to an annual ground rent. It is not at all likely that the city will ever need this property in extending the treatment units, but the sewage disposal plant should be isolated, so far as practicable, from land occupied and improved for dwelling purposes.

In a conversation with Mr. Marchant a year or more ago, I think he expressed the opinion that when the city made settlement for odor nuisances in this area, the Mitchell people did not give a full release and suggested that the city might purchase it and thereby eliminate any litigation in the future.

I will be glad to discuss the matter with you further, if you wish, but at this time would say that the expenditure involved would not warrant the purchase of these various tracts, and there would be nothing gained in purchasing the Taylor property and not acquiring the other tracts, except the question of litigation above mentioned.

Very truly yours,

SEWERAGE ENGINEER

MJR:FMW

Copy-Mr. C. F. Goob, Chief Engineer
Bureau of Sewers

APPROVED:

Chief Engineer

CITY SOLICITOR'S OFFICE

52775

March 8th, 1929

Mr. Luther M. R. Willis,
213 St. Paul Place,
Baltimore, Maryland.

Dear Mr. Willis:

I have your letter of March 6th,
relative to property at Back River belonging to Mrs. Nettie
Mitchell.

I appreciate your offer to assist
the City in acquiring this property from Mrs. Mitchell and shall
be very glad to avail myself thereof in the event that I feel
you can be of service in the matter.

Very truly yours,

A.W.K.
R.R.S.

City Solicitor

LAW OFFICES

LUTHER M. R. WILLIS
213 ST. PAUL PLACE
BALTIMORE, MD.

HALL HAMMOND
ASSOCIATE

March 6, 1929

A. Walter Kraus, Esq.
City Solicitor
Court House
Baltimore.

My dear Mr. Kraus,

Mrs. Nettie Mitchell has talked to me in regard to the City taking her property at Back River and Eastern Avenue, adjacent to the Sewage Disposal Plant.

You will remember that some years ago Mrs. Mitchell entered suit against the city for damages to her property and recovered a verdict. This verdict did not fix payment of damages, but permitted the damages for the nuisance to be continuing. I understand that there have been certain overtures between Mrs. Mitchell and the City, looking towards a sale of this property as part of the Sewage Disposal Plant, and I shall be glad to aid it in any way, as I own certain ground rents out of Mrs. Mitchell's property.

Very truly yours,

Luther M. Willis

Two by at Back Ki
Deep P. 1

Bmlaf
L

1. nager P.
L 2000

100 x 1500 5

NETTIE TAYLOR CASE

Narr says -

- (1) Plaintiff owns certain valuable tracts or parcels of land with improvements located on Eastern Avenue in the vicinity of Back River.
- (2) That the City in pursuance of the powers and authority conferred upon it under the Laws of Maryland has erected and constructed a plant for the collection and disposal of sewage, into which plant the City at various intervals wrongfully and in utter disregard of the rights of the plaintiff discharges and has for a long time discharged accumulations from kitchens, bath rooms, etc., which matter has spread out in a diluted condition through drains and pipes of said plant and covers a large area of low land near plaintiff's property.
- (3) That there arises from said sewerage drainage pipes and disposal plant a horrible and sickening stench which permeates the atmosphere around plaintiff's property, thereby destroying the value of plaintiff's property.

Bill of

Particulars says -

That the property referred to in the Declaration consists of the following:

- (a) Frame hotel building, situate on property conveyed to the plaintiff June 2, 1911, by James Barclay, et al, Liber W.P.C. 378, Folio 488.
(This is evidently the hotel property involved in the former suit. See memorandum of April 2, 1917, to Mr. Field and abstract of title).
- (b) Frame store building, located on land conveyed to the plaintiff May 27, 1913, by George R. Willis, et al, Liber W.P.C. 413, Folio 368.
(This is evidently the frame dwelling house with store front involved in the former suit. See memorandum of April 2, 1917, to Mr. Field and abstract of title referred to therein).
- (c) Brick dwelling house, situate on land conveyed to the plaintiff November 28, 1911, by Crown Building & Loan Association, Liber W.P.C. 388, Folio 165.
(It is not clear that this brick dwelling house was included in the suit in 1917 although the abstract referred to in the memorandum to Mr. Field shows its conveyance. The memorandum was prepared by Mr. Colgan, and in it he says "the properties in question embrace three contiguous tracts of land" and after referring to the 3 story hotel and dwelling house with a store front, he speaks of a dancing pavilion and dining pavilion in the grove adjoining the hotel.

In supplemental Bill of Particulars plaintiff says that her former action at law did not cover the identical properties sued for in this cause.

The memorandum of Mr. Colgan contains the following:

"The properties in question embrace three contiguous tracts of land. Upon the larger of these which fronts on Eastern Avenue Road and binds on the River is located a three story hotel containing about sixteen bedrooms, a bar, dining room and lounging room. In the grove adjoining the hotel there is a dancing pavilion and a dining pavilion. Next to this lot is another lot improved by a two and one-half story frame dwelling house and adjoining this is a two and one-half story frame dwelling house with a store front."

April 23, 1931.

MEMORANDUM

Yesterday afternoon, I went to visit the Nettie Taylor property with William Lawrence, Esq. and William Merriken, Real Estate Agent. We saw Nettie Taylor and Bill or Spot Mitchell. I understand the property is in the name of Nettie Taylor, which is the maiden name of Mrs. Mitchell. I understood Nettie Taylor to say that she does not at present reside on this property, but I understand that Mitchell does. The memorandum of April 2, 1917, I had with me and read parts of it to them. I think the same property was involved in the previous suit. The description in this memorandum of April 2, 1917, of the property is correct except that one of the buildings is of brick instead of frame, that is the one referred to as a dwelling. Around this brick dwelling, there are wooden porches. All three of the properties, that is, the hotel, the brick dwelling and the store property, front on Eastern Avenue.

Nettie Taylor said that the suit in 1914 was simply for "the business." I suppose she meant by this for the hotel business. The hotel is still run to a limited extent. They had probably a dozen tables, each of which would seat four, in the dining room, and these tables were set with paraphernalia for serving meals. They said they still keep sufficient servants and are able to furnish meals to people who drop in there. Their contention was that very few people stay all night at the hotel and very few local people will come there for meals because, they say, of the smell from the sewerage plant. Tourists, they say, do stop there occasionally and take meals.

The buildings are in a dilapidated condition, though some painting has been done on one of them, I think it is the store property, with a view of trying to rent it, but they were unable to do so. To the rear and on the south of the properties fronting on Island Road, which seems to be a private cinder road between the City's property and the Taylor property, are three or four houses which, like the Taylor property, border on Back River.

ALLEN A. DAVIS

Geo. Wunder -

PROSPECTIVE WITNESSES

William Hoffmeister - lives in the first house adjoining the Taylor property on the south. His house fronts on Highland Point Road and runs back to the River.

Adam Benhoff and Mary Benhoff, his wife - lives in the second house to the south of the Taylor property. His property fronts on Island Point Road and runs back to the River.

James M. Bobart and Caroline Bobart, his wife - lives in the third house to the south of the Taylor property. Their house fronts on Island Point Road and runs back to the River. Bobart's property runs back to a little bridge - to the City line on the south.

Elgin Moffett - resides on City's property to the south across the bridge. Mr. Moffett has been living on City property for the past 35 or 40 years. It is believed he will be a good witness for the City. He does not work for the City but rents from the City.

Says as far as order, "does not know that the plant is there"

Oscar Meyers - resides further south on City property and has resided there for the past 4 or 5 years. He is an employee of the City and has been working at the Plant for the past 12 or 14 years. Moffett and Meyers are men with families.

These are all the parties living on the same side of Island Point Road as the Taylors.

Samuel Pugh - Sator Foreman
address: - Benghis. P.O. Bates Co. Ind.

- Date Started: Mar 10 16 to work at the
Plant -

Dietrich Schroeder - 441 N. Kenwood
City. Pumping station maintenance
man from Dec-13-1917 to date

Began Aug-12-1912 to Jan-1-1916 &
was out of employ of city about 19 months.

Began ⁱⁿ 1912 and remained until 1914 and
away until 1916 & then returned & has
remained since.

1932. Apl-5 - I went with Mr. Kiefer

Ed. C. Cromwell - Chemist at Plant - Employed
by City ~~see~~ for about 7 yrs -

Act of 1904
Chap. 349.

Howard County
Judgment Docket # 7 folio 278-
Taylor vs City.
Law-

137 Md Wilmer vs Placide - Former suit may be ~~pleaded~~
113 & relied upon - under general issue.

Proc - 1- sec. 655

Pleading " 656 - Must appear by record or parol proof

1914 Taylor action commenced.

Apr. 9.

~~Apr.~~
1916

Apr. 18 Verdict for defendant - at the first trial.

1917

Jan. 11 Case Reversed.

May 12 Verdict for \$4000 in second trial.

1913? Plant put in operation.
1911

File # 57261

September 21st, 1915.

Nettie Taylor vs. City.

M E M O.

Statement of G.J. Requardt, Acting Division Engineer,
Sewage Disposal Plant, Back River.

Plant in process of being completed from 1907 on to date.

Put in operation in April, 1911.

Actual work started about in the Spring of 1908.

Property called Spot Mitchell's Back River Park, which is
claimed to be owned by Nettie Taylor.

It is 2,000 feet from the nearest point of the Disposal Plant
to the property of the plaintiffs.

On the Mitchell property (Nettie Taylor) there is a hotel,
a long pavillion with dance floor, a meeting house and pier.

Does not know what is on the Casby property, but will find
out.

The plaintiff claims that her property was injured by two
different things: First, the sludge from the tanks; second, the
sewage from the tanks.

The sewage comes down an out-fall sewer about $5\frac{1}{2}$ miles long;
it enters a chamber where the coarser materials are cleaned out; it
then passes through a mediation tank where the sewage is measured.
The velocity is so decreased that the solids in the sewage are pre-

precipitated to the floor of the tank.

At the end of a certain period the tank is discontinued from use and another tank is started.

We pump out the liquid and we remove the solids, so-called sludge, into separate sludge digestion tanks. It lays in these tanks for a period of from 3 to 6 months, when we pump it down onto sand beds, spread it on one foot thick and let it dry. When it comes to the bottom of the digestion tanks it is a thick gray. When it comes out of the sludge tanks it has not an unpleasant smell. We put it down on these sand beds, and, as far as I can remember, I have never smelt these sludge beds. The sludge does not smell on the sludge beds; if proper care is taken of the tanks no smell will emanate from these beds. The liquid as it passes through the tank is thrown off at one end into an outlet channel; then it passes through the control house and then controlled into 6 filtered beds where it is sprayed through the air and continuing down through 8½ feet of broken stone into an under-drain floor; thence from the south end of the filtered beds it goes into the settling basins, the settling basins being practically the same as the digestion tanks, where more solids, if any, are removed; then it goes into the power house and then 2400 feet into the river.

If the humidity is high the smell from the tanks will stay on the ground. On a clear day you can walk around these tanks and won't smell a thing. If there is a breeze blowing the smell will go over to the property. As far as the sludge beds are concerned, I am sure that the smell does not go as far as their property. If the weather conditions are right the smell is liable to go over as far as their property. We have tried various methods of reducing the odor in the sewage as it arrives at the plant.

The words "disease breeding stench" in the declaration are open to question.

None of our men have ever been sick due to the fact of working around the Disposal Plant.

The following will be able to testify:

John J. Neal,

Theodore A. Schaetzle,

G.J. Requardt,

Arthur B. Morrill.

S. S. FIELD,
CITY SOLICITOR.
ALEXANDER PRESTON,
DEPUTY CITY SOLICITOR.

1.

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Baltimore, Md.

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IN REPLY REFER TO FILE NO.

Baltimore, Md.

April 8, 1916.

Mr. Edward Colgan, Jr.
Attorney at Law.

Dear Sir,

Pursuant to your request I beg to submit the following report concerning the special bacteriological tests conducted at the Back River Disposal Works, on April 6th and 7th.

On Thursday morning, April 6th I received a message from Mr. Robert Burwell, talking for Mr. A. Hartman instructing that some agar plates be placed 500 feet to the leeward of the disposal plant and protected from the light.

Following these instructions I placed the agar plates in company with Mr. M. Melvin, who is acting assistant chemist-bacteriologist, as follows.

One plain agar and one litmus lactose agar plate was placed on the roof of the porch of the office building, a distance of about 346 feet from the nearest sludge digestion tank. The time of exposure began at 11:45 a.m. with a wind direction E by S. and ended at 4:25 p.m. with the wind blowing from the S.S.E.

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In all cases where I refer to placing agar plates exposed to the air I mean with the cover of the petri dish removed and the uncovered plates protected from the light and foreign material by a paste board box, which had several flap openings cut in it to allow of a free circulation of air over and above the petri dishes of agar.

On this same day Mr. Melvin and myself placed one plain and one citraus lactose agar plate in the woods between the railroad running past the office building and Prospect Park fence, at a distance of approximately 481 feet from the nearest tank, namely Hydrolytic Tank #3. The exposure on these plates commenced at 12 o'clock noon with an E. by S wind and ended at 4:30 P.M. with a S.S.E. wind blowing.

These plates as well as those from the office building were placed in the incubator and incubated at $37\frac{1}{2}^{\circ}\text{C}$ until about 4:30 P.M. of April 7th when the organisms on them were counted.

It is my custom in important bacteriological work to have Mr. Melvin make a count as well as myself and to use the average of both figures as the count to be considered. For that

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reason I am submitting both counts and the average of the same, but would say that a discrepancy is very probable since it is a well known fact that no two observers will always count alike. The presence of dust particles or other foreign matter would cause some difficulty in counting these plates.

The following counts are not for any specific unit of air but simply a count of those organisms due to an exposure to the air for 4 hours and forty (40) minutes in the case of the office building plates, and 4 hours and 30 minutes for the station in the woods.

Porch Roof Office Building Station.

Total count of bacteria on			Count of
Plain agar			Acid forming
Litmus lactose agar.			bacteria.
Schaetzle's count	40	21	0
Melvin's "	40	18	0
Average "	40	19.5	0

Station in Woods.

Schaetzle's count	59	85	0 ?
Melvin's "	74	82	0 ?
Average "	66.5	83.5	0 ?

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Three lactose bile tubes were inoculated with the doubtful acid organism but after $18\frac{1}{2}$ hours incubation no gas had formed. This test should run for 48 hours and if at the end of that time no gas forms we can feel reasonably sure that the doubtful form is not a colon bacillus.

Continuing this work more agar plates were exposed to the air on Friday April 7th, but this time it was attempted to place some to the windward of the plant as well as to the leeward. This proved rather difficult as the wind kept continually shifting. From the time Mr. Melvin and myself started to place these plates at 12:45 PM until they were all brought into the office at 5:35 PM the wind had done considerable shifting in that it had gone from N.E. by E all the way around the compass to S.E. by E., but, to the best of my judgement I would say that for the greater share of the time it was a moderate approximate N.W. wind.

Working with this as a basis I shall designate the leeward and windward stations as relative to a N.W. wind.

For each station used on Friday April 7th, the time of exposure to the air was $2\frac{1}{2}$ hours (with

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in 5 minutes) and the plates were exposed under the same conditions as explained for the work of the 6th.

The plates were stationed as follows and count made after incubating at $37\frac{1}{2}^{\circ}\text{C}$ for just a little more than 18 hours.

Stations Relative to Tanks.

Leeward of Tanks { Distance approximately 500 feet.
Exposure started 1:15 PM. Wind direction S.W.
" ended 3:48 PM. " " N.W.

	Total count of bacteria on Plain Agar.	Litmus lactose agar.	Count of acid forming bacteria.
Schaetzle's count	13	10	0
Melvin's "	13	12	0
Average "	13	11	0

Windward of Tanks { Distance approximately 500 feet.
Exposure started 3:05 PM Wind direction N.N.W.
" ended 5:35 PM. " " S.E. by S.

	Total count of bacteria on Plain agar.	Litmus lactose agar	Count of acid forming bacteria
Schaetzle's count	7	15	0
Melvin's "	7	16	0
Average "	7	15.5	0

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Stations Relative to Filters

Leeward of Filters { Distance approximately 89 feet, close to road.
Exposure started 1:35 PM Wind direction N.N.W. (approx.)
" ended 4:05 PM " " "

Total count of bacteria on		Count of acid
No. ^{plain} agar plate	Litmus lactose plate	forming bacteria.
Schaetzle's count	223	0
Melvin's "	223	0
Average "	223	0

Leeward of Filters { Distance approximately 500 feet, near sludge storage pile.
Exposure started 1:50 PM Wind direction approx. N.W.
" ended 4:21 PM " " N.N.W.

Total count of bacteria on		Count of acid
Plain agar.	Litmus lactose agar	forming bacteria.
Schaetzle's count 180	33	0
Melvin's " 190	40	0
Average " 185	36.5	0

Windward of Filters { Distance approximately 500' In swamps.
Exposure started 2:10 PM Wind direction N.W.
" ended 4:40 PM " " S.E. by S.

Total count of bacteria on		Count of acid
Plain agar	Litmus lactose agar.	forming bacteria.
Schaetzle's count 30	95	0
Melvin's " 38	99	0
Average " 34	97	0

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Windward of Filters { Distance approximately 73 feet to N.W. corner
of filter bed #2.
Exposure started 1:25 P.M. Wind direction N.W.
ended 3:55 P.M. " " N.W.

No plain agar plate exposed.	Total count of bacteria on.	Count of acid forming bacteria
Schaetzle's count	43	0
Melvin's "	52	0
Average "	47.5	0.

Altho the above data shows the presence of bacteria on both the lee and windward sides of the plant, the identification of these micro-organisms would require a rather extensive study. However the apparent absence of acid forming bacteria, even as near as 73 feet from the filters, seems to indicate that the sewage bacteria are not disseminated in the surrounding air. In this connection I would quote George W. Fuller's book entitled Sewage Disposal, page 702. Here he says, "as a result of throwing as a spray large volumes of sewage in the air above the surface of sprinkling filters, it has been suggested that sewage bacteria might be disseminated in the air so as to produce a condition prejudicial to health on the leeward side of a plant. The facts are shown to be just the opposite, according to Dr. John Robertson, Medical Officer of Health, Birmingham, England, who conducted some tests which showed that during

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the summer the number of bacteria in the air passing thru the sprays was greater before than after such passage. He states that 50 yards away from the bed on the lee side sometimes one fourth the number of organisms were obtained, as compared with the number on the windward side 50 or 100 yards away. In winter, however, the conditions were different. Then in windy weather a certain number of sewage organisms were carried over, the distance varying according to the strength of the wind. The facts were so variable that it was not possible to give representative data, but roughly it may be said that the stronger the wind the further the organisms were carried; in no case, however, was he able to detect, with delicate tests, sewage organisms at a greater distance than 100 yards from the beds. He came to the conclusion, therefore, that any harm that might be done by such a method of distribution was practically negligible."

I would call your attention to the fact that except for the plates exposed on the roof of the office building porch in no case was the station more than 4 feet from the surface of the ground. You will also notice that the plate on which the count was 223 was located next to the concrete road from which it received considerable dust.

To show how conditions alter the bacteria

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in the air I would quote David Ellis' book known as "Outlines of Bacteriology". On pages 75 to 78 in the chapter entitled "Bacteria In The Air" he says, "as there is nothing in the air which can serve as food for bacteria, the number of these organisms in the atmosphere of any particular place depends altogether on the underlying surface. If the constitution of the latter is of such a nature that it cannot support bacterial life, or if the bacteria that are in it cannot escape into the atmosphere, then we find the atmosphere altogether devoid of bacteria". Continuing he says, "The air of sewers is singularly free from bacteria, even although sewage contains many millions of bacteria per cubic inch, because of the moistness of the surfaces, within which the sewage is enclosed. The greatest number of bacteria is found in the atmosphere of large towns, and especially in those places where a large number of people are congregated in a small space and under "insanitary conditions". Likewise he says, "Speaking generally, we may say that the more dust in the atmosphere the greater the number of contained microbes, because dust particles are usually covered with them. Secondly, the number depends on the dampness of the surfaces. The scarcity of bacteria in sewers has already been mentioned. Thirdly, the altitude of any particular place is an important factor, for, as bacteria are subject to gravity, the higher

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up we go the fewer bacteria we find. Fourthly, other things being equal, there are more bacteria in the atmosphere during a high wind than when the weather is calm, owing to the amount of dust that the wind lifts from the ground. Finally, the specific nature of the soil which creates the dust exercises a marked influence on the number of bacteria in the overlying atmosphere."

In conclusion I would state that I feel that the first experiment run April 6th is not of as much value as that run April 7th because no windward samples were taken at the same time and because the results obtained are not comparable with those of April 7th since the time of exposure was not the same in both cases.

Trusting this report covers the data required I remain

Very truly yours,
Theodore C. Schaefly.

Second Trial of
 Nettie Taylor vs. M. + C. Co.
 Started before Judge Forsythe
 and a jury in Elliott
 City Apr. 4 - 1917.
 Called Apr. 1917
 Opening Statement by
 Mr. Hopkins 11.02. A.M.

Says water is pumped into
 tube ~~not~~ so.

Says stone beds are to catch
 balance of fecal matter - not so

Say: She went there in 1908.
 " She bought it in 1911.

① John Messner.

2412 N. Charles St.

Supt. of mine ratings for
B. & O. R.R.

No. 16 on First trial

Prior to 1913 - had not been
down there much - Several
times

Didn't notice any unusual
condition

Since 1913 about 15 or
20 times

Sometime noticed smell -
sometimes didn't?

Don't recall.

Sometimes worse than others -
Worse in summer.

Been to plant in summer, fall
and spring -

X Exam. of Cedars didn't affect
him injuriously

② Miss Nettie Taylor. No. ①.
last trial.

14 rooms in Hotel - 10 bedrooms.
Offers 3 deeds in evidence.

Plant about 500 yds. away. 50 ft.
Conducted Hotel since 1908.

Look title in 1910. ? Evon - 1911.
On other side for 10 years
before 1908.

Plant put in operation in 1913.
Before then had lots of boarders
and meals. no gnats and mosquitoes
Since then clouds of them.
Smells like a lot of toilets.
Has had

Don't serve meals outside
any more.

Last night at 7.30 could
not stand out in Grove
Every day every morning
afternoon and night.
Worse at supper time.

Heavy on Mucky days.

X Gam.	\$6000	- Hotel
	1900	Buck
	1000	Store.
	<hr/>	
	8900.	

George N. Brian
New Witness 1913 Cecil Avenue.
Smelled it every time I
go there

Solicitor for Monumental
Brewing Co.
Lombard & Sixth Sts.
Frank Cahn

William J. Boyle
2710 Livoli Ave.
Sewer Contractor.

Pretty Fair before -
A stink-pot now.

Smells like night soil
Sewer soil.

Eaten there since then

Don't notice them as much
at plant as farther away -

Lewis H. Baumgartner
1708 E. Lamale
Traveling Salesman.

Very good before —

Saw gnats by millions.
Winds from S. & S.W.

Don't affect his physical
existence.

J. Wm Pfeil.
1823 Bolton St.
Mfg. Confectioner.

Last summer year ago
had to leave table —
Existed most every time.

Wind coming up the
river.

Bernard E. Moan -
1310 N. Central Ave.
Concession owner.

999 times worse than
a privy.

Discontinued our business
down there.

W. G. Handell -
Norwich farm, Rossville
in summer - City in
winter. at B. A. Co.

Similar to ill kept toilets.
wind would blow from the
S. + S.
Securities, stocks & bonds.

Samuel S. Briggs
Essey, Real Estate & Ins.
Apr. 1911 - known it

Worse last year than ever.
Last summer there twice in
emergency.

Briggs - continued -
Last night had horrible
odors -

Willard Schenkel -
Poplar Station - telegraph
operator -

Most of time like stench
from number of water
closets -

Gnats in swarms -

Impossible to eat - weak
stomach -

George Behelein.

Pure before.

Sassy now.

Don't affect my throat.

Never ate there

Not many there -

Don't know how they were
there before -

Used night soil and
garbage -

Best witness yet -

Some years ago all the farmers
down there used night soil.

David W. Laws.

2305 Balto. City.

Worse at plant than at
Taylors.

Always an odor there.

Says any discerning stranger
could have detected odor

there yesterday afternoon
at half past four.

Mrs. Hannah E. Moffett.
Could not qualify.

Mrs. Louise Schenkel.
Marketer & Truck Gardener.
Lives at Poplar Station, B. & O. R.R.
Smells like 1000 or 2000
privies.

Jacob Norris.
Scent there, at times
Sulphur smell.
Gnats there.

1500 yds. to plant, from
nethes from mouth of
Sewer.
Admits he and Reinecke

used night soil in
last 2 or 3 years.

Monday. Apr. 9-1917

Robert R. Hall.

About $6\frac{1}{2}$ miles from
Centre of City - 4 to $4\frac{1}{2}$
miles from city limits
Car-line since 1895.
50¢ carfare after 50¢ clock
stench there since 1913.
Balm, before. Residential and
Agricultural

X Exam: Willis farm was
a marsh wasn't it?

Joseph H. Neely -
Automobiles & Repairs.
Neely & Euser -
Mt. Royal & McMechen
Sts.
Known Plfs. property 6 years.
Sometimes not so bad.
Mosquitos there before.
Ammonia or Hasthorne effect.

X Exam: Got orders at
Phila. Road & North Point
Road.

John C. Wolfe.
Seely-Layland Land Co.
develops Essex. ^{People wouldn't buy on acct. of plant.}
Eaten there this winter.
Some of them said it
was the reputation of Back River
About 25 or 30 houses.
in Essex now.

Essex comes out on River
800 feet below Bridge.

Eda Thompson -
Owns some property on Back
River.

Morris F. Mohler.
Contracting Business.
Bought 2 lots at Chesaco
Park. Sold them acct. Plant.
X Exam:

Walter D. Mitchell.
Brother of Wm. E. (2 lot)
Mitchell.
Left in 1912. For many reasons
chiefly, odors.
Bad even in winter.

Louis B. Holsknecht.

Ice business at Chagleville
& Real Estate in Winter.

Schlumberger used Slaughter
House refuse.

How did it smell?

Just as it came from
the City, they put it in
wagons and hauled it away.
Scows used to bring night
soil up middle of river.

Don't see gnats in the
day time

Developing now about a
mile from Taylors property
on Eastern Avenue. Goeller

X Exam:

Cigar maker. 5 years.

Whisk. Saloon 6 years.

Indek E 6 years.

We are going to develop
Miladejovskij's property.

Henry E. Cook
3005 N. Calvert St.
Builder - wife owns my
property.

At times now its alright.
Stenches there now - even
now.

Benjamin F. Jones.
Little over $\frac{1}{2}$ mile from
Laylor's -
25 Bbls. of night soil.

Maxwell R. Warner.
2214 Cutaw Place
No. 6. E. Lexington.
12 or 14 times -
Pyramids of grats

John J. Hurst F.

Hudson St. 31- to 41st. Sts.

Chesaco Park. confluence of
Back River, Moors Run &
Herring Run.

Also sub-division on Mace Ave.
called Montrose Farms.

Long Beach, on Middle
River.

Mueller Property fronts
on Eastern Ave.

Beverly Farms. 60 Acres.

About $\frac{1}{2}$ mile from
North Point Road. Sold out
all but 2 acres.

"Spot" Mitchells.

Averages 3 times per week
in good seasons.

No marshes around back
River.

Amst - continued
 no gnats. few mosquitos
 Had trouble with night soil
 occasionally - chased them
 all away & had them up to
 the Canton Police Station.

? I sint Sunday the best day
 Some days not bad.
 Don't eat there nearly so
 much now.

Nearly bought the Gilmer
 property -

Store	G. Rt. 150 -	=	2500.00
..	Leasehold.		1500
Dwelling	G. Rt. 150		2500.
	Leasehold -		2500
Hotel	G. Rt. 350.		5833.00
	Leasehold.		8000.00

~~22833.00~~

Leasehold	12000.
G. Rt.	10833.

Store - Lehd-		500.00
G. Rt. \$150.00	2500.00	
Dwelling L. hd.		500.00
G. Rt. 150	2500.00.	
Hotel Leasehold.		1000.00
G. Rt.		5833.00

X Exam.

Says people won't go there
why?

Dofels case.

① Frank B. Ward.

② Theodore C. Schaetzle.

ask him how much water there
is in the sewage.

About the green stuff in
Empty tanks.

$\frac{1}{10}$ of 1 per cent only solid.
Balanced water.

X Exam:

Film Formation on stones.

What do you mean by particles
in solution? Like sugar in
coffee?

Says

R₁-direct = This film on
top isn't

John P. Goodwill.

H. C. McRae.

When did plant start to
build.

May-24-1914.

Real

McRae. 35
Yesterday afternoon

Frank Kimball.

403. people.

Harry E. Gilbert.

Ask him about odors
there yesterday

328. fat. front.
75.
78.

4710

Get Holden

Miladajovsky

16000

H. 10 500. in fee
House 3000. Brick House
Cottage. 2500.

\$108330

5166.00

Highest utility. →

2000 in fee. Frame
2500. Brick Bldg.
1000 Piers

Mr. Stevenson.

College Inn.
Mrs. Myers.

\$14800 in fee - now

X Exam
City paid \$90,000 too
much.

About 6 years ago started
seminars

ask him about Backus Park.

notorious reputation for
drinking

no objection

3. 4. 5. 6. 7.

no negligence. Skill and
care.

Jury saw the premises.

Get attitude of fairness
We don't say no odds.

Says her patrons have been
driven away -

Don't say how many.
How can Hurst's testimony
be accepted?

Said it had been practically
destroyed for Hotel purposes.

Forgets Sakolski and Mrs.
Bussey -

McAfee & Kimmel.

a place that will draw
438 people last Monday
night only worth \$2000.00.

Lot of smallest & big men
in Balto. City.

Why didn't she produce
her books?
would have shown an increase

Gilbert said he considered
presence of plant when he
valued it

SEWERAGE COMMISSION

CALVIN W. HENDRICK,
Chief Engineer



Baltimore, October 14, 1915.

Mr. Alexander Preston,
Deputy City Solicitor.

Dear Sir:

In connection with the names of witnesses I have sent you who have volunteered to testify for the City in the Disposal Plant suits, Mr. James Gilmour, No. 815 S. Broadway, who owned large tracts of land in this vicinity, called at the office and voluntarily stated that the odor from the Disposal Plant is no worse than the odor from the night soil deposited there in the past, and that he wanted to see the City get justice. I am therefore sending you his name and address so you can have it with the other names when you want the witnesses.

Yours truly,

Chief Engineer

Sept. 24th. 1915.

Mr. Calvin W. Hendrick,

Chief Engineer

Dear Sir:-

Concerning the question of the suit of Nettie Taylor and Catherine Casby against the City on account of odors, I have made up tables showing the results of odor observations which have been conducted here since 1913.

Nearly every day at various hours a man has walked around the plant at the border of the area over which odors could be detected and has written down a record of his observations. These records are on file at this office and will be brought to court.

Table 1

Observation for odors made by laboratory men in the quadrant of a ~~XXX~~ circle toward the Back River Bridge, using the Meter House as the center of the circle. Observations were taken always when the wind was blowing in this direction. The number of observations in this quadrant with average distance of odor from source are given together with ^{total} number of observations around the whole plant. Observations are totaled in months.

Month	Total no. Observations	Total No. observations in this quadrant	Average distance odor observed from source in quadrant
1913 February	9	3	300 ft.
March	23	7	445 "
April	17	5	840 "
May	24	6	1250 "

1913	June	48	23	330 ft.
	July	61	20	535 "
	August	37	13	785 "
	September	36	6	850 "
	October	22	5	380 "
	November	14	3	335 "
	December	15	3	635 "
Total		306	94	576 "
1914	January	9	1	300 ft.
	February	22	5	500 "
	March	22	5	1120 "
	April	23	6	715 "
	May	21	6	900 "
	June	21	8	575 "
	July	25	9	735 "
	August	24	9	720 "
	September	11	1	200 "
	October	21	10	430 "
	November	22	5	460 "
	December	21	0	000 "
Total		242	65	663 "
1915	January	25	4	570 ft.
	February	23	2	500 "
	March	27	4	825 "
	April	24	6	1450 "
	May	26	6	1535 "
	June	29	9	1035 "
	July	23	4	600 "
	August	22	4	725 "
	September	17	4	350 "
Total		206	43	998 ft.

Table II

Observations made at the West end of Back River Bridge by two laborers employed at this plant at about 7 A.M. and 4 P. M. and 12 Midnight.

Date of Observations	Number of Observations	Number of Times the odor from the plant was detected.
April 24 - 30 1913	26	6
May 1 - 31 1913	116	25

Systematic observations made at Hollywood Park by Chemist, Assistant Chemist or Asst. Mechanical Engineer

June 1913	5	0
July 1913	23	0

C.W.H. - #3

August	1913	22	0
September	1913	16	0

Systematic Observations made at or near Mitchell's Property by
Chemist or Asst. Chemist, accompanied by other employees at times.

Date of Observations	Number of Observations	Number of times the odor from the plant was detected.
April 1914	5	0
May 1914	22	1
June 1914	27	3
July 1914	24	0
August 1914	23	2
September 1914	11	1
October 1914	2	0
Sum of all these observa- tions	322	38

Table 1 shows that odors have been detected a greater distance from the plant this year than in 1913 or 1914. I think the peculiar weather conditions of this year are largely the cause of this.

Respectfully,

Acting Div. Engineer.

GJR/JEF

.. SUMMARY OF ODOR OBSERVATIONS..

Giving Maximum Distances to Leeward From The Meter House

Month	No. of Obser.	Over 2500'		Over 2000'		Over 1500'		Over 1000'		Over 500'		IN QUADRANT FACING PLAINTIFF'S PROPERTY.											
		No.	%	No.	%	No.	%	No.	%	No.	%	Over 2500'		Over 2000'		Over 1500'		Over 1000'		Over 500'		TOTAL	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Feb. 13	9	0	0	0	0	0	0	0	0	2	22	0	0	0	0	0	0	0	0	1	11	1	11
Mar. 13	20	0	0	1	5	3	15	6	30	12	60	0	0	1	5	1	5	2	10	5	25	8	40
Apr. 13	17	2	12	3	18	4	24	9	53	13	76	1	6	1	6	1	6	3	18	4	24	5	29
May 13	23	4	17	9	39	13	56	17	74	22	96	1	4	2	9	3	13	5	22	5	22	5	22
Jun. 13	20	0	0	1	5	4	20	12	60	20	100	0	0	0	0	2	10	5	25	7	35	7	35
Jul. 13	25	2	8	3	12	9	36	17	68	22	88	1	4	1	4	3	12	5	20	5	20	6	24
Aug. 13	24	1	4	3	12	8	33	15	62	24	100	1	4	3	12	6	25	11	46	12	50	12	50
Sep. 13	24	0	0	3	12	10	42	14	58	23	96	0	0	1	4	4	17	5	21	5	21	5	21
Oct. 13	22	1	5	4	18	6	27	11	50	21	95	0	0	0	0	0	0	0	0	3	14	3	14
Nov. 13	14	0	0	1	7	5	36	9	64	12	86	0	0	0	0	1	7	4	29	5	36	5	36
Dec. 13	15	0	0	4	27	8	53	10	67	12	80	0	0	1	7	2	13	2	13	2	13	3	20
Jan. 14	9	1	11	1	11	4	44	5	55	8	88	0	0	0	0	0	0	0	0	0	0	0	0
Feb. 14	22	1	5	2	9	6	27	14	64	19	86	1	5	2	9	2	9	3	14	4	18	5	23
Mar. 14	22	0	0	4	18	9	41	16	73	21	96	0	0	0	0	2	9	4	18	4	18	4	18
TOTALS	266	12	5	39	15	89	33	155	58	231	87	5	2	12	5	27	10	49	18	62	23	62	23

either tonight
or

Mr. C.A.



JNO. D. BLAKE, M. D.
COMMISSIONER
W. T. HOWARD, M. D.
ASSISTANT COMMISSIONER
THOS. L. RICHARDSON, M. D.
QUARANTINE OFFICER
A. H. WOOD, M. D.
SECRETARY

HEALTH DEPARTMENT

Report of the Plumbing Division, Health Department.

First property connected to City Sanitary Sewer
System, October 28th, 1911.

Number of connections.

October 28th, 1911 to December 31st, 1912,	10,039
1913	16,536
1914	17,623
1915	23,313
1916	15,532
	<hr/> 83,043
January 2nd to March 31st, 1917,	3,574
Total	<hr/> 86,617



DEPARTMENT OF LAW

217 COURT HOUSE

BALTIMORE, MARYLAND

R. E. LEE MARSHALL
CITY SOLICITOR

November 4th, 1933.

James A. Young, Esq.,
Clerk, Court of Appeals of Maryland,
Annapolis, Maryland.

Dear Sir:-

Will you kindly send me a copy of the record and
briefs in the case of Nettie Taylor vs. Mayor and City Council of
Baltimore. This record is No. 26 in the Court of Appeals of
Maryland, and was filed July 12th, 1916. The case was tried in
Howard County, and is recorded in 130 Md. 133.

Very truly yours,

Allen A. Davis

Assistant City Solicitor.

*Dear Sir - our surplus records
and Briefs go back only as far
as 1920 - I am very sorry
I am unable to meet your
request*

J. H. Young - Dep. Clerk